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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

9 JAMES MCDONALD,

10 Plaintiff,

11 v.

12 ONEWEST BANK, FSB, NORTHWEST  
13 TRUSTEE SERVICES, INC., MORTGAGE  
14 ELECTRONIC REGISTRATION SYSTEMS,  
INC., INDYMAC BANK FSB, DOES 1-50,

Defendants.

No. C10-1952 RSL

**DECLARATION OF VONNIE  
MCELLIGOTT IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

15 I, VONNIE MCELLIGOTT, hereby declare:

16 1. I am a Foreclosure Analyst and Assistant Vice President for Northwest  
17 Trustee Services, Inc. ("NWTs"), Defendant herein. This Declaration is made in support of  
18 Defendants' Motion for Summary Judgment ("Defendants' Motion"). I am a citizen of the  
19 United States, I am over the age of 18, and I make the following Declaration based upon my  
20 own personal knowledge and if called to testify in this action I could and would competently  
21 testify thereto.

22 2. I have personal knowledge of the procedures governing the creation and  
23 maintenance of NWTs' nonjudicial foreclosure files and I am familiar with the record  
24 keeping procedures of NWTs as to those records that pertain to the nonjudicial foreclosure  
25 proceeding against the property commonly known as 14840 119<sup>th</sup> Pl. NE, Kirkland,  
26 Washington 98034 (the "Property"), which is owned by James McDonald ("McDonald").

DECLARATION OF VONNIE MCELLIGOTT  
IN SUPPORT OF DEFENDANTS' MOTION FOR  
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CASE NO. C10-1952 RSL

ROUTH  
CRABTREE  
OLSEN, P.S.

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Bellevue, WA 98006  
Telephone: 425.458.2121  
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1           3.       I have reviewed the records that pertain to the McDonald foreclosure and as to  
2 the following facts, I know them to be true of my own knowledge or I have gained  
3 knowledge of them from the business records of NWTS on behalf of NWTS, which records  
4 were made at or about the time of the events recorded, and are maintained in the ordinary  
5 course of NWTS' business at or near the time of the acts, conditions or events to which they  
6 relate. Any such document was prepared in the ordinary course of business of NWTS by a  
7 person who had personal knowledge of the event being recorded and had or has a business  
8 duty to record accurately such event. To the extent NWTS' business records contain  
9 documents created by third parties, NWTS relies on the accuracy of such records in  
10 conducting its business carrying out nonjudicial foreclosure proceedings.

11           4.       On or about January 15, 2010, as the "duly authorized agent of OneWest  
12 Bank, FSB," NWTS mailed and posted a notice of default (the "Notice of Default") in  
13 response to Plaintiff's default. A true and correct copy of the Notice of Default is attached to  
14 Defendants' Motion as Exhibit 10.

15           5.       On or about February 16, 2010, NWTS recorded a Notice of Trustee's Sale  
16 (the "NTS") under King County Auditor's File No. 20100216001242, setting the trustee's  
17 sale for May 21, 2010, 2010. A true and correct copy of the NTS is attached to Defendants'  
18 Motion as Exhibit 13.

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DECLARATION OF VONNIE MCELLIGOTT  
IN SUPPORT OF DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT - PAGE 2 OF 3  
CASE NO. C10-1952 RSL

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SIGNED this 20<sup>th</sup> day of March, 2012.

Vanni Mathew

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